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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,	)	Case No. CR 11-833(A)-JST
	)	
Plaintiff,	)	<u>ORDER RE JUDICIAL REMOVAL OF</u>
	)	<u>DEFENDANT OYTUN AYSE MIHALIK</u>
v.	)	
	)	
OYTUN AYSE MIHALIK,	)	
aka Ayse Oytun Akin,	)	
aka Ayse Mihalik,	)	
aka "Cindy Palmer,"	)	
	)	
Defendant.	)	
	)	
	)	

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ORDER OF REMOVAL

Defendant Oytun Ayse Mihalik and the United States have jointly requested, agreed and stipulated, pursuant to Title 8, United States Code, Section 1228(c)(5), that the Court should enter a judicial order that defendant be removed from the United States to Turkey. Pursuant to that stipulated request, the Court finds the following:

- a. Defendant is a native and citizen of Turkey.
- b. Defendant first entered the United States at or

1 near Cincinnati, Ohio, on July 17, 1994, pursuant to a B-2  
2 visitor visa, with authorization to remain in the United States  
3 for a limited period of time not to exceed six months.

4 c. On February 29, 2008, defendant married a male  
5 United States citizen. Based on that marriage, defendant was  
6 accorded Conditional Resident status in November 2008, and then  
7 subsequently, was accorded Lawful Permanent Resident status in  
8 the United States on January 28, 2011.

9 d. Defendant, pursuant to a plea agreement, has (1)  
10 pled guilty to count one of the first superseding indictment in  
11 United States v. Mihalik, CR No. 11-833(A)-JST, which charges  
12 defendant with providing material support to terrorists, in  
13 violation of Title 18, United States Code, Section 2339A; and (2)  
14 stipulated to the entry of a judicial order of removal.

15 e. Defendant has agreed to the entry of a stipulated  
16 judicial order of removal pursuant to Title 8, United States  
17 Code, Sections 1228(c)(5) and 1227. Specifically, defendant has  
18 admitted she is a native and citizen of Turkey and that she is  
19 removable from the United States pursuant to the following  
20 provisions of law:

21 (1) Title 8, United States Code, Section  
22 1227(a)(4)(B), as described in Title 8, United States Code,  
23 Section 1182(a)(3)(B)(i)(I), as an alien who engaged in terrorist  
24 activity, as defined in Title 8, United States Code, Section  
25 1182(a)(3)(B)(iv)(VI)(dd), by committing an act that she knew, or  
26 reasonably should have known, afforded material support to a  
27 terrorist organization, as described in subclause III of clause  
28 (vi); and

1                   (2) Title 8, United States Code, Section  
2 1227(a)(4)(B), as described in Title 8, United States Code,  
3 Section 1182(a)(3)(B)(i)(I), as an alien who engaged in terrorist  
4 activity, as defined in Title 8, United States Code, Section  
5 1182(a)(3)(B)(iv)(VI)(bb), by committing an act that she knew, or  
6 reasonably should have known, afforded material support to an  
7 individual she knew, or reasonably should have known, committed  
8 or planned to commit a terrorist activity.

9                   f. After consultation with counsel and understanding  
10 the legal consequences of doing so, defendant knowingly and  
11 voluntarily waived the right to notice and hearing provided for  
12 in Title 8, United States Code, Section 1228(c)(2), and further  
13 waived any and all rights to appeal, reopen, reconsider, or  
14 otherwise challenge this judicial removal order. Defendant has  
15 acknowledged that she understood and knowingly waived her right  
16 to a hearing before an immigration judge or any other authority  
17 under the Immigration and Nationality Act ("INA"), as amended, on  
18 the question of defendant's removability from the United States.  
19 Defendant has further acknowledged that she understood the rights  
20 she would possess in a contested administrative proceeding and  
21 waived these rights, including her right to examine the evidence  
22 against her, to present evidence on her behalf, and to cross-  
23 examine the witnesses presented by the government.

24                   g. Defendant has agreed to waive her rights to any and  
25 all forms of relief or protection from removal, deportation, or  
26 exclusion under the INA, as amended, and related federal  
27 regulations. These rights include, but are not limited to, the  
28 ability to apply for the following forms of relief or protection

1 from removal: asylum; withholding of removal under Title 8,  
2 United States Code, Section 1231(b)(3); any protection from  
3 removal pursuant to Article 3 of the United Nations Convention  
4 Against Torture, including withholding or deferral of removal  
5 under 8 C.F.R. § 208; cancellation of removal; adjustment of  
6 status; registry; *de novo* review of a denial or revocation of  
7 temporary protected status (current or future); waivers under  
8 Title 8, United States Code, Sections 1227(a)(1)(H), 1182(h),  
9 1182(i); visa petitions; consular processing; voluntary departure  
10 or any other possible relief or protection from removal available  
11 under the Constitution, laws or treaty obligations of the United  
12 States. As part of her stipulated request for judicial removal,  
13 defendant specifically acknowledged and stated that she has not  
14 been persecuted in, and has no present fear of persecution in,  
15 Turkey on account of her race, religion, nationality, membership  
16 in a particular social group, or political opinion. Similarly,  
17 defendant further acknowledged and stated that she has not been  
18 tortured in, and has no present fear of torture in, Turkey.

19 h. Defendant has requested that an order be issued by  
20 this Court for her removal to Turkey. Defendant has agreed to  
21 accept a written order of removal as a final disposition of the  
22 proceedings related to her removal and she has waived any and all  
23 rights to challenge any provision of the stipulated request for  
24 judicial removal in any United States or foreign court or  
25 tribunal.

26 i. Defendant has agreed to make this judicial order of  
27 removal a public document, waiving her privacy rights, including  
28 her privacy rights under 8 C.F.R. § 208.6. At the request of the

1 U.S. Attorney's Office, U.S. Immigration and Customs Enforcement  
2 ("ICE") has concurred with the government's request for a  
3 judicial order of removal. Defendant has agreed that, as a  
4 result of this Order, upon the completion of her criminal  
5 proceedings, including any sentence of imprisonment, defendant  
6 will be removed to Turkey.

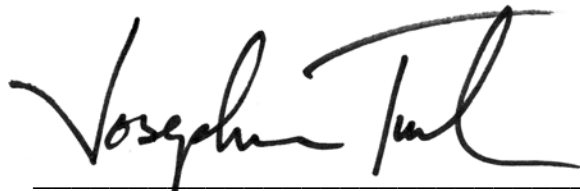
7 j. Defendant has conceded that the entry of this  
8 judicial order of removal renders her permanently inadmissible to  
9 the United States. Defendant has agreed that she will not enter,  
10 attempt to enter, or transit through the United States without  
11 first seeking and obtaining permission to do so from the  
12 Secretary of the Department of Homeland Security or other  
13 designated representative of the U.S. government.

14 k. Defendant has agreed to assist ICE in the execution  
15 of her removal. Specifically, defendant has agreed to assist ICE  
16 in the procurement of any travel or other documents necessary for  
17 defendant's removal; to meet with and to cooperate with  
18 representatives of the country or countries to which defendant's  
19 removal is directed; and, to execute those forms, applications,  
20 or waivers needed to execute or expedite defendant's removal.  
21 Defendant has acknowledged that she understands that her failure  
22 or refusal to assist ICE in the execution of her removal shall  
23 breach her plea agreement and may subject defendant to criminal  
24 penalties under Title 8, United States Code, Section 1253.

25 Therefore, IT IS ORDERED pursuant to Title 8, United States  
26 Code, Sections 1227 and 1228(c)(5) that defendant be removed from  
27 the United States to Turkey promptly upon her satisfaction of any  
28 sentence of imprisonment, and that the United States Department

1 of Homeland Security execute this ORDER of removal according to  
2 the applicable laws and regulations of the United States.

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5 DATED: April 1, 2013



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6 HON. JOSEPHINE STATON TUCKER  
7 UNITED STATES DISTRICT JUDGE  
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